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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDWARD C. BREINER, an individual, LOREN)
G. CHAPULIN, an individual, JIMMIE)
MCNEAL, an individual, and RANDY STOUT,)
an individual,)

Plaintiffs,

vs.

NEVADA DEPARTMENT OF)
CORRECTIONS, STATE OF NEVADA,)
GLEN WHORTON, JACKIE CRAWFORD, and)
DOES 1-10, inclusive,)

Defendants.

CASE NO. 2:05-cv-01412-KJD-RJJ

**APPLICATION FOR ORDER TO EXTEND THE DEADLINE FOR PLAINTIFFS TO
FILE SETTLEMENT/DISMISSAL DOCUMENTS**

Plaintiffs, EDWARD C. BREINER, LOREN G. CHAPULIN, JIMMIE McNEAL, AND
RANDY STOUT, by and through their attorneys, Marcin Lambirth, LLP, submit this application
for an Order to Extend the Deadline to file Settlement/Dismissal Documents based on the
following:

1. On October 20, 2010, a settlement conference was held before Magistrate Robert J.
Johnston. The matter settled at this conference and the settlement was placed on the record.

1 2. The court ordered that the settlement/dismissal documents are due on December
20, 2010 (92).

2 3. On November 18, 2010, counsel for Plaintiffs received the Settlement Agreement
3 and Release from the Attorney General.

4 4. On December 14, 2010, Plaintiff's counsel's office submitted the original
5 Settlement Agreement and Release, signed by Plaintiffs and Plaintiffs' counsel to the Attorney
6 General via overnight delivery.

7 5. On December 17, 2010, Plaintiffs' counsel's staff contacted the Roger Madsen,
8 Esq. several times, and left messages for him and his staff regarding the status of the Settlement
9 Agreement and Release signed by Defendant and Defendant's attorney, and the issuance of the
10 settlement check. To date, we have not received a return call with an updated status. Respectfully,
11 it would be unfair for the court to dismiss this matter without the Defendant having to uphold their
12 end of the Settlement. Plaintiffs respectfully request that the court order a 30 day continuance for
13 the Defendants to finalize the settlement, or in the alternative, set an Order to Show Cause Hearing
14 Re: Defendants Failure to Execute Settlement Agreement and provide Settlement Check.

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17 Dated this 20th day of December, 2010.

MARCIN LAMBIRTH, LLP

/s/

By:

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23 IT IS SO ORDERED.

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25 UNITED STATES MAGISTRATE JUDGE

26 DATE: DEC. 27, 2010
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